

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NORTEK AIR SOLUTIONS, LLC,  
Plaintiff,  
v.  
DMG CORPORATION, et al.,  
Defendants.

Case No. [14-cv-02919-BLF](#)

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANTS'  
ADMINISTRATIVE MOTIONS TO  
FILE UNDER SEAL**

[Re: ECF 221, 341, 343]

Before the Court are Defendants' administrative motions to file under seal the Court's order regarding summary judgment motions and their bench trial brief and proposed findings of fact and conclusions of law. ECF 221, 341, 343. The portions of the summary judgment motion sought to be sealed contain confidential excerpts from technical documents detailing the design, components, and technical features of specific Energy Labs air-handling unit; and information regarding its customers' facilities. Accordingly, the Court GRANTS the motion to file under seal portions of the Court's order on summary judgment. ECF 221. *See, e.g., U.S. Ethernet Innovations, LLC v. Acer, Inc.*, Case No. 10-3724 CW, 2014 WL 6664621, at \*1 (N.D. Cal. Nov. 24, 2014) (granting motion to seal documents attached to summary judgment motion with redactions limited to confidential technical, sales, and financial information).

As to the motions to seal the identified portions of the Trial Brief and the Proposed Findings of Fact, Court finds that Defendants have articulated compelling reasons to seal certain portions of the submitted documents and the proposed redactions are also narrowly tailored.

However, in failing to respond to these motions, Plaintiff proffered no reasons to seal the portions designated “Confidential” or “Highly Confidential” by Plaintiff. Accordingly, the Court denies the motion to seal with respect to those portions. The Court’s rulings on the sealing requests are set forth in the table below:

Identification of Documents to be Sealed	Description of Documents	Court’s Order
Order Granting Plaintiff’s Motion for Order (1) Granting Plaintiff’s Motion For Summary Judgment And (2) Denying Defendants’ Motion For Summary Judgment	Plaintiff’s Confidential Material, redacted at: 19:15-23, and 21:10-11, contains Nortek’s technical and business information.  Defendants’ Confidential Information, redacted at: 8:21-9:6, 9:18-19, 13:3, 5-6, and 12; and 13:9, 10, contains Energy Labs’s technical information and customer information.	GRANTED as to the specific portions mentioned in preceding column.
Defendants’ Bench Trial Brief	Plaintiff’s Confidential Information redacted at: 2:20-22, 23, 24; 3:7-9, 10-11, 12-13, 13-14, 14-16, 17, 18-19; 5:1-4; 6:14-16, 17-19, 19-20, 21, 22, 22-24; 7:19-20; 13:2-3, 8-10, 12, 14, 15-16	DENIED.
Exhibit 1 to Defendants’ Bench Trial Brief	Excerpts from the Deposition of Joe Naccarello (January 13, 2016)	DENIED.
Exhibit 2 to Defendants’ Bench Trial Brief	Excerpts from the Deposition of John Albert (March 10, 2016)	DENIED.
Exhibit 3 to Defendants’ Bench Trial Brief	Excerpts from the Deposition of Susan Snyder (January 15, 2016)	DENIED.
Exhibit 4 to Defendants’ Bench Trial Brief	Excerpts from the Deposition of Stephen Prowse, Ph.D. (February 23, 2016)	DENIED.
Defendants’ Proposed Findings of Fact and Conclusions of Law	Defendants’ Confidential Information, redacted at paragraphs: 120-123, contains Energy Labs’s business and	GRANTED as to paragraphs 120-123 and DENIED as to remainder.

	strategy information.	
	Plaintiff's Confidential Information redacted at paragraphs: 26-28, 30, 33-36, 38, 93-97, 103-107, 125-127, 130-134, 141, 142, 211, 214-219, 237	
Exhibit 3 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of John Habel (November 10, 2015)	DENIED.
Exhibit 4 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of Joe Naccarello (January 13, 2016)	DENIED.
Exhibit 5 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of Susan Snyder (January 15, 2016)	DENIED.
Exhibit 6 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of Stephen Prowse (February 23, 2016)	DENIED.
Exhibit 7 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of John Albert (March 1, 2016)	DENIED.
Exhibit 8 to Defendants' Proposed Findings of Fact and Conclusions of Law	Excerpts from the Deposition of John Habel (March 10, 2016)	DENIED.

For the foregoing reasons, the sealing motions at ECF 221, 341, 343 are GRANTED IN PART and DENIED IN PART. Under Civil Local Rule 79-5(e)(2), for any request that has been denied because the party designating a document as confidential or subject to a protective order has not provided sufficient reasons to seal, the submitting party must file the unredacted (or lesser redacted) documents into the public record no earlier than 4 days and no later than 10 days from the filing of this order.

**IT IS SO ORDERED.**

Dated: August 24, 2016

  
BETH LABSON FREEMAN  
United States District Judge